

**Idaho Fish and Game Commission  
Quarterly Meeting – November 1-3, 2006  
Clearwater Region  
3316 16<sup>th</sup> Street  
Lewiston, Idaho 83501**

**November 1, 2006**

**LANDS**

**Redbird Canyon**

Commissioners toured the Redbird Canyon property.

Chairman Wheeler called the meeting to order at 1:45 p.m. with Commissioners McDermott, Irby, Barowsky, Wright, Budge and Power present.

Chairman Wheeler stated that the purpose for this workshop is to provide information only to the Commission. If the Commission chooses to follow through with some of the suggested changes they will be addressed at the January 2007 meeting in Boise when it considers changes to non-biological rules. Chairman Wheeler stated that the public will have the opportunity to make comments later if the Commission chooses to make non-biological changes.

**WORKSHOP**

**Equipment Technology Workshop**

Brad Compton, State Big Game Manager introduced individuals invited to participate in the workshop they are as follows:

Larry Fisher, Traditional Bowhunter Magazine  
Dee Wilde, Pocatello, (archery 7-time world champion)  
Al Marion, Muzzleloaders (author of several published muzzleloader articles)  
Ed Krumpke, University of Idaho, Survey of bowhunters  
Rick Anaker and Aaron Bateman, Sportsmen's Warehouse

Mr. Compton gave a power point presentation to the Commission (Appendix 39, Exhibit 99). He stated that the purpose of the workshop is to provide the Commission with a review of contemporary hunting equipment restrictions and issues, advances in technology, and stakeholder attitudes and preferences.

**Intended Outcome:**

- Commissioner position on equipment, particularly archery & muzzleloader
- Commission direction on whether to pursue rule changes in January 2007
- Understand the distinction between technology that improves hunter effectiveness and technology designed to "sell equipment"

**Objectives:**

- Review special weapons opportunity, hunter participation, and harvest in Idaho
- Review rifle, archery, and muzzleloader equipment restrictions in Idaho and western states
- Review advances in hunting equipment technology
- Review major stakeholder issues
- Review enforcement issues
- Hear from stakeholders
- Review policy considerations
- Seek Commission direction
- Provide hands-on opportunity with various hunting equipment

**Presentations:**

(Appendix 39, Exhibit 100) Enforcement Issues, Jon Heggen, Chief of Enforcement spoke about the enforcement issues regarding new equipment technology.

Stakeholder Involvement and History of Idaho Archery Equipment Restrictions was presented by Larry Fisher, Traditional Bowhunter Magazine.

Bow Performance and Technology, Dee Wilde (Appendix 39, Exhibit 101)

Muzzleloader Performance and Technology, Al Marion (Appendix 39, Exhibit 102)

Stakeholder Input was given by the following individuals:

Idaho State Bowhunters (ISB) – Richard Beesley

Idaho Traditional Bowhunters (ITB) – Blake Fisher (Appendix 39, Exhibit 103)

Idaho Muzzleloaders Association (IMA) – Mike Murray

Preliminary Results of random archery hunter survey, Ed Krumpe, Ph. D., University of Idaho (Appendix 39, Exhibit 104)

Equipment Demonstrations: Aaron Bateman, Rick Anaker, Sportsman's Warehouse

Chairman Wheeler and Director Huffaker thanked the special speakers, and Brad Compton for the good information provided to the Commission. The Commission and Department will put together some guidelines and determine what issues and changes they may want to pursue. Director Huffaker noted that individuals would be given the opportunity to comment at the January meeting.

**MISCELLANEOUS****Public Meeting**

Chairman Wheeler called the meeting to order at 7:00 p.m. He welcomed those in attendance and introduced Commissioners Irby, McDermott, Wright, Budge, Power and

Barowsky. He stated that the Commission takes all of the public comments seriously, and will review all of the comments at Thursday's meeting. The Director introduced staff from headquarters and the regions.

Joseph Peterson, Flying B Ranch provided written comment to the Commissioners regarding his thoughts on hunters who use the services of guides and outfitters. He stated the Department does not see the outdoorsman who chooses to use the services of an outfitter as being a public hunter or fisherman.

Pete Ellsworth from Cudesac, and president of the Concerned Sportsmen of Idaho (CSI), expressed his concerns on the memorandum of understanding between the Commission and the Idaho Fish and Wildlife Foundation. He does not think that the agreement does enough to separate the Department from the Foundation. CSI calls for the Foundation to be moved out of the headquarters and staff to be taken off the Department payroll. He feels the Foundation should be kept at "arms length" from the Department.

Nate Helm, Executive Director of Sportsmen for Fish and Wildlife (SFW) spoke on several topics. He would like assistance from the Department on the Jack O'Connor facility to create greater ease of use and access of the facility. SFW is interested in the Redbird Canyon property being managed as part of the Craig Mountain Management Area. He mentioned concerns from the Clearwater Region on private property access; and concerns that the deer are not meeting the current population objectives in the Southeast Region. He would like to see better communication in the Department publications to the public regarding pheasants, elk and deer hunting success, proposed fee increase and wolves.

Scott Hasenoehrl, Culdesac, spoke regarding depredation. He stated that there are too many deer and elk and they are eating his crops. He has an ongoing battle with the Department to collect damages caused by the deer and elk. He stated there needs to be a longer season for deer. He would like to see a doe only season after the end of the regular deer season.

Hubert Simmons, Orofino, spoke on behalf of the Clearwater Archers. He would like to see the 65 percent let-off for compound bows removed, 400 grain arrow weight changed and expanding broadheads to be allowed.

Jim Hagedorn, Submitted written comments regarding the lack of pheasants in the Clearwater and Panhandle regions.

Adjournment 7:45 p.m.

**November 2, 2006**

## **MISCELLANEOUS**

### **Opening Comments**

Chairman Wheeler called the meeting to order at 8:05 am. Commissioners Irby, McDermott, Barwosky, Wright, Budge and Power were present. He thanked Commissioner Irby and the Clearwater Region for their efforts in the tour of the Redbird Canyon tour.

Director Huffaker stated that he appreciated the staff work and the public participation at the workshop yesterday. He recommended that an agenda #17 item be added to provide a Commission discussion and direct the staff on scoping for non-biological rules for next year regarding hunting methods of take technology.

### **Agenda Changes**

Add agenda item # 17 to discuss potential rule changes the Commission might make based on the workshop and public input as suggested by the Director.

### **Review of Public Comment**

Chairman Wheeler referenced the comment on deer season length on private property in the Clearwater Region. Jay Crenshaw stated that the staff responds to depredation problems around the Region in a variety of ways. One of the tools used most effectively is extra tags for white-tailed deer. The Department continues to struggle with problems in isolated tracks of private lands. They use the tools that are available and try to come up with additional tools such as sending the hunters directly to the landowners. The Region will continue to work with Mr. Hasenoehrl.

Commissioner Power expressed concerns about Nate Helm's statement's on winter feeding of big game. He feels more communication is needed with the Advisory Committee about what constitutes an emergency feeding. Chairman Wheeler stated that this issue would be discussed at the January meeting to clarify the process for winter feeding.

Commissioner Power supports the comments by Joe Peterson. All of our customers are important and he agrees outfitters serve the public.

### **Director's Report**

Director Huffaker referenced the Commissioners' briefing books on what programs the Department has going on. He noted that there was an article in the last issue of *Outdoor Life* listing the five best states for hunting and Idaho was rated #2.

Director Huffaker stated that the Headquarters office has been busy with concerns related to domestic elk high fenced hunting issues. The Department is following the Governor's direction and in the best interest of wildlife. He anticipates that there will be proposed Legislation during the next session to try and change things. Director Huffaker feels the Commission needs to establish a clear position on high fence hunting. Director Huffaker referenced the handout in the agenda packet regarding angler recruitment and retention process. He would like to address this issue in greater detail during the Spring.

### **Commission Reports**

#### **Panhandle Region:**

Commissioner McDermott reported that the efforts to save the kokanee in Lake Pend Oreille are ongoing. Dr. Hansen is one of the world's experts on lake trout and is assisting in this project. The \$10 bounty program is working well. He state that 3,348 rainbow trout and 9,387 lake trout have been harvested by anglers. The exploitation of lake trout is approaching 35 % for the year, nearing the level we need to sustain and affect a decline in lake trout population.

He also noted there is a kokanee problem in Lake Coeur d'Alene as well. A conservation closure on kokanee took effect on September 19<sup>th</sup> to protect the weakest year class of age 3 kokanee on record.

Commissioner McDermott reported that a letter of support was received from the Boundary County Commission in support of the transfer of the Smith Creek property from Ducks Unlimited to the Department.

Dallas Burkhalter and David Leptich continue to do a fine job defending the Farragut WMA shooting range.

He reported that the Panhandle Region over all elk hunter success rate this year was the 4<sup>th</sup> highest in the records, and it has climbed a lot since 2000.

#### **Magic Valley Region:**

Commissioner Wright reported that he spoke with 12 out-of-state hunters and they reported that they saw only wolf tracks and no elk in the Nap Creek area.

He reported the Magic Valley is observing an above average deer harvest.

There were several late season fires in Unites 55 and 56 with some mule deer winter range being burned. He reported that the Department will be monitoring early winter use of the range along with animal conditions and may use late season emergency hunts to reduce winter range densities of deer. He reported that fall fishing in the Magic Valley Region has been phenomenal. MDI projects are proceeding.

Commissioner Wright reported that the Region is experiencing some domestic elk problems. Reports include five wild elk attempting to enter a 250 head domestic ranch in the Hazleton area.

The environmental review staff continues to work with the Jarbidge BLM office on the revision of their Resource Management Plan.

The Region is working with the Sawtooth National Forest as they attempt to implement their nationwide OHV rule.

#### Southeast Region:

Commissioner Budge reported that the fisheries are experiencing a good water year. This is the second consecutive year of good water for the Region.

Blackfoot Reservoir fisheries are an area of concern mostly drought related and pelicans are part of the problem.

He reported that the Inkom check station observed a low and declining 14% success rate for deer on opening day. He also reported that the buck to doe ratio is continuing to show a decline.

He reported that the sage grouse numbers are showing good hunter success and consistent with recent years. He anticipates the pheasant success rate to be somewhat lower than last year.

Commissioner Budge stated that as a new Commissioner what he sees as major issues in the Southeast Region are pheasants and how do we pay for broad scale efforts to restore habitat. If the Clearwater Pheasant Initiative is a successful model, he would like to see the same type of program in other parts of the state.

He feels the MDI is an exciting program and has been very well advertised and received. There is a high level of expectation that has been created and it will be very important for the Department to be successful in the effort to do what we need to do for wildlife and restore some of the creditability for the Department and the Commission that has been lost in this area.

#### Clearwater Region:

Commissioner Irby reported that the Regional Overview on the agenda will cover all of the topics in the Clearwater Region. He referenced staff members that are in attendance to present the Elk Initiative. Commissioner Irby thanked everyone for participating in the fieldtrip to the Redbird Canyon property.

#### Salmon Region:

Commissioner Power reported on the screen program. The crews have been working on reconnecting some of the streams and are doing a good job on more of the creeks flowing into Lemhi and Pahsimeroi rivers as well as the Main Salmon River and the East Fork.

He stated this is a cooperative effort and the Department has taken the lead on it with other specialists from BLM and the Forest Service, National Marine Fisheries, Department of Water Resources and others.

Steelhead fishing is going really well. It provides a tremendous economic boost to the small rural towns like Salmon and Challis and outlying communities.

Commissioner Power reported that the numbers for the hunting season are the same as past years. He reported that there were a high number of yearling bucks that came through the check stations and success rates were high. Commissioner Power gave a summary of the cause specific big game mortality study that is going on in the Salmon Region.

Commissioner Power is receiving refund requests from hunters regarding fire closures. He noted that Regional staff is reviewing these requests then referring them to the Director's office. Commissioner Power would like for the Commission to take a look at these requests at the January meeting.

Director Huffaker stated that the Commission needs to revisit its policy position for refund requests for residents.

#### Southwest Region:

Commissioner Barowsky reported that the Police Activities League took 12 youth out on the youth upland game hunting skills class. The Hunter Ed Field Day had 30 youth participating who completed their shooting skills. Commissioner Barowsky stated that the Department does not receive any funds from seized property sales in violation cases. Other law enforcement agencies do receive funds and he would like to look at options for the Department.

He referenced the growth in Ada County and the habitat studies that Fish and Game are being asked to do. He noted that the Department does not receive any reimbursement for these studies for the various companies and developers

Horsethief reservoir has been drained and is being replanted. Cascade is starting to show recovery in the yellow perch.

A good elk harvest has been reported with deer harvest down in some areas.

#### Upper Snake:

Commissioner Wheeler reported the deer and elk hunting has been average.

He commended staff for the way they have worked on the Rex Rammel case. He is hearing positive comments from the public on the way the Region is handling the situation. Things are going well in the Upper Snake.

### **Consent Calendar**

**06-73** Commissioner Irby moved and Commissioner Wright seconded a motion **TO ADOPT THE CONSENT CALENDAR WHICH INCLUDED MINUTES FROM THE JULY 12-14, 2006 MEETING AND THE FINANCIAL REPORT.** The motion passed unanimously.

## **REPORTS**

### **Clearwater Region Overview**

Cal Groen, Regional Supervisor, provided a report (Appendix 39, Exhibit 105) on the programs associated with the Clearwater Region. He noted that the new office building is more efficient, economical and enables staff to provide better service to the sportsmen of Idaho.

### **Elk Habitat Review**

Jay Crenshaw, Regional Wildlife Manager, provided a report to the Commission on the Elk Collaborative in the Clearwater Region (Appendix 39, Exhibit 106). He stated that as a result of the Elk Summit organized by Senator Crapo that convened in Lewiston on 25 January 2003 an Elk Collaborative group was formed. Its goal was to provide a broad-

based forum to develop consensus-based recommendations to recover elk in the Clearwater Basin backcountry. Delegates represented 15 stakeholder organizations. Representatives from Idaho Department of Fish and Game participated in these meetings as non-voting technical advisors, as did representatives from the U.S. Forest Service. Fifty-eight consensus recommendations were developed during 15 meetings that were held between April 2003 and April 2004. IDFG staff subsequently reviewed the recommendations, identified those that required action on the part of the Department, and developed responses to address them. This information was presented to the Commission at their November 2004 meeting in Orofino at which time the Commission voted to endorse the proposed IDFG approach to the recommendations.

The Senator Crapo Elk Summit and the subsequent Elk Collaborative were born out of the concerns with the status of elk populations in the Clearwater Region, particularly in the Lolo and Selway zones. Elk numbers in these units had been declining during the 1990's even as elk hunting opportunities were reduced and harvest pressure on bear and lion populations were increased. Habitat quality is considered to be a primary consideration to the recovery of elk in these areas. Predation by bears, lions and wolves also continues to be an important influencing factor.

Recovery of elk in the Clearwater Region backcountry is a high priority for IDFG, USFS and many other partners.

Doug Gober, District Ranger for the Clearwater Forest, provided a progress report on recommendations of the Elk Collaborative that the Forest Service is working on (Appendix 39, Exhibit 107). He stated that prescribed burning has been an important tool in habitat restoration for elk. The Forest Service has had a good working partnership with the Department.

Mitch Silvers, Regional Director for Senator Mike Crapo's office in Lewiston, stated that they support collaborative processes. He stated that Senator Crapo feels that this is one of the best tools for settling long-term management issues when it comes to natural resources. He encourages the Idaho Department of Fish and Game to continue their partnerships with the Forest Service, Nez Perce Tribe and new partner, Rocky Mountain Elk Foundation, to work together.

### **Pheasant Initiative Progress Report**

Jerome Hansen, Regional Habitat Manager provided an update on the Clearwater Pheasant Initiative. Mr. Hansen stated that the Clearwater Pheasant Initiative (CPI) was launched in August 2001. This aggressive campaign represented a cooperative effort between Governor Kempthorne and IDFG to increase pheasant production and upland bird hunting in portions of the Clearwater Region. The area has fertile soils, abundant cereal grains, brushy draws, and mild climate that favor pheasant survival when habitat is available. The Initiative was designed to increase the available habitat throughout the region with emphasis on farmland surrounding the Palouse River, Potlatch River, and Lapwai Creek. The timing of this Initiative corresponded to the reauthorization of the



2002 Farm Bill which was landmark federal legislation for conservation funding. Conservation provisions of the Farm Bill help farmers and ranchers meet environmental challenges and restore wildlife habitat on their land. These provisions served as the catalyst to join Natural Resource Conservation Service (NRCS) in their efforts to implement conservation projects that provide wildlife benefits.

Through the cooperative efforts of the Department, NRCS, Farm Services Agency, Pheasants Forever, and private landowners, thousands of acres of pheasant habitat have been enhanced since the inception of CPI. Habitat improvements address the primary limiting factors including:

- Lack of undisturbed grass fields for nesting and brood rearing habitat.
- Quantity, quality and distribution of woody winter cover.
- Crop residual remaining for winter forage.

Understanding what to plant and where to grow it is important but working with private landowners and the agricultural community has been the number one key to success. Department staff maintained a high level of enthusiasm throughout this Initiative and developed positive relationships wherever we could. Two Regional staff are housed in NRCS offices, including Nez Perce County and Latah County. The presence of trained Department Biologists in NRCS offices has contributed greatly to the positive relationships and acres of quality pheasant habitat developed in the Clearwater Region. This effort has spun off in a third position stationed in the American Falls NRCS Service Center.

Jim Teare, Regional Wildlife Biologist gave a power point presentation (Appendix 39, Exhibit 108) to the Commission on the success of the Clearwater Pheasant Initiative and Farm Bill TSP Program. Guest speakers included: Todd Wittman, Board Member NSWCD; Gabe McMasters, Pheasants Forever; Treg Owings, NRCS, and Dennis Newman, Clearwater Farm Bill Coordinator.

## **RULES**

### **2007 Nonresident Deer and Elk Tag Quotas and Outfitter Set-Aside**

The Commission, in November each year, establishes quotas for total nonresident deer and elk tags and the number set-aside for outfitted nonresidents. Sale of nonresident licenses and tags begins December 1<sup>st</sup>.

Idaho Code 36-408(3): “Outfitters Set-aside. When the commission establishes a limit on the number of nonresident deer tags and nonresident elk tags, it shall set aside annually a maximum of twenty-five percent (25%) of the nonresident deer tag and nonresident elk tag limit. The set-aside tags shall be sold pursuant to commission rule, only to persons that have entered into an agreement for that year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.”

The recommendation is no change from 2006. The Outfitters & Guides Association and Idaho Outfitters & Guides Licensing Board were consulted in developing this recommendation.

Staff recommends adoption of the following 2007 nonresident deer and elk tag quotas, including the number available for non-outfitted and outfitted nonresidents (IDAPA 13.01.5.500 & 13.01.5.600):

**06-74** Commissioner Power moved and Commissioner Irby seconded a motion **TO ADOPT AS TEMPORARY RULES, THE PROPOSED RULES GOVERNING LICENSING; IDPA 13.01, CHAPTER 04, RULE 500, NONRESIDENT DEER AND ELK TAG OUTFITTER SETASIDE AND RULE 600, NONRESIDENT DEER AND ELK TAG QUOTAS.**

Tag Type	Non-Outfitted	Outfitted	Total
Regular/White-Tailed Deer	10,900	1,900	12,800
Southeast Deer	1,115	85	1,200
Total Elk (All Zones)	10,415	2,400	12,815

**THE TEMPORARY RULES WILL BE IN EFFECT UNTIL APPROVED BY THE LEGISLATURE AS PERMANENT RULES.** The motion passed unanimously.

## **REPORTS**

### **Clearwater Wolf Proposal Update**

Jim Unsworth, Chief, Bureau of Wildlife provided an update on the Clearwater Wolf Proposal (Appendix 39, Exhibit 109) and following summary:

The new 10(j) rule allows wildlife agencies to request approval from the U.S. Fish and Wildlife Service to remove wolves causing unacceptable impacts to ungulates. During 2005, the Department evaluated elk populations statewide to assess which populations were not meeting State management objectives, and of those which populations suffered unacceptable rates of wolf predation. After analyzing all available information, the Department prepared a proposal to remove wolves in the Lolo Zone (Units 10 & 12) consistent with 10(j) requirements. The Commission reviewed the proposal and directed the Department to submit it to the U.S. Fish and Wildlife Service in April 2006.

Since the proposal was submitted, additional survival and cause-specific mortality information has been collected for Lolo Zone elk.

Dr. Unsworth noted the 10(j) rule outlines the process wildlife agencies must follow prior to submitting a proposal to the U.S. Fish and Wildlife Service for gaining permission to

remove wolves for unacceptable impacts to ungulates. The Department has met these process requirements and it was available through the Department website. Additionally, public hearings were held in Boise and Lewiston.

Staff will provide an update on the proposal submitted to the U.S. Fish and Wildlife Service and review additional elk population data collected since the proposal was developed. Staff is seeking Commission direction whether to submit the additional data to the Service for consideration.

**06-75** Commissioner Wright moved and Commissioner Irby seconded a motion **TO CONTINUE TO PURSUE AS THE 10(j) RULE ALLOWS FOR THE MANAGEMENT OF WOLVES IN THE LOLO AREA IN A TIMELY FASHION AND TO SUBMIT ADDITIONAL DATA IN SPRING 2007 IF NECESSARY.** The motion passed unanimously.

**06-75a** Commissioner Wright moved and Commissioner Power seconded **A MOTION INSTRUCTING DEPARTMENT STAFF TO MOVE FORWARD AND PURSUE A PERMIT UNDER SECTION 4(d) OF THE ENDANGERED SPECIES ACT SEEKING AUTHORITY TO MANAGE WOLVES AND; AUTHORIZE THE DIRECTOR AND THE DEPARTMENT TO TAKE ANY AND ALL ACTION NECESSARY TO EXPEDITE THE DELISTING OF WOLVES TO PERMIT FULL MANAGEMENT BY THE FISH AND GAME DEPARTMENT.** The motion passed unanimously. (**06-75a** reflects a numbering error)

### **Trophy Species Update**

Dale Toweill, Trophy Species Coordinator, provided an update to Commissioners (Appendix 39, Exhibit 110).

Dr. Toweill noted that this presentation was designed to provide Commissioners with (1) status of moose, bighorn sheep, and mountain goat populations statewide and (2) an overview of issues presented to the public for their comments prior to Commission action to adopt trophy species Controlled Hunt recommendations in January 2007. He noted that public scoping of Controlled Hunts for trophy species (moose, bighorn sheep, mountain goat) will occur in November and December.

Fish and Game Commissioners will review staff recommendations and public comment regarding trophy species Controlled Hunts for calendar years 2007 and 2008 in January 2007. At that time, Commissioners will adopt final regulations for the next two years.

Dr. Toweill noted changes have occurred in some trophy species populations since the Commission was last advised in November 2005. In addition, previous Commission actions (e.g., allowing non-residents to apply for moose permits [2001] and allowing hunters to harvest both an antlered and antlerless moose [2005]) and increasing demand for trophy species hunting opportunity have affected both demand and drawing success.

Status of trophy species and recommendations for changes in permit numbers, Controlled Hunt boundaries, and Controlled Hunt dates will be presented to the public for review and comment statewide during November and December 2006. In addition, the public will be asked about one non-biological rule change regarding whether to eliminate the requirement that harvest of bighorn sheep rams be restricted to  $\frac{3}{4}$  curl or 4 years or older as determined by annuli on the horns. Comments on these and other issues raised by the public will be presented to Commissioners in January.

### **Update on Access Yes! Pilot Project**

Karla Drewsen, Private Land Staff Biologist and Steve Elam, Landowner Sportsmen Coordinator provided an update to the Commission on the Access Yes! Pilot Project (Appendix 39, Exhibit 111) as follows:

The Landowner Appreciation Permit (LAP) and *Access Yes!* programs were both developed under the leadership of the Fish and Game Advisory Committee. The Magic Valley currently has the highest numbers of participants in LAP (280 farms/ranches, 700,000 acres private land) and *Access Yes!* (39 contracts, 184,000 acres of private land). Both programs have proved popular based on enrollment, but program limitations exist and need to be addressed. The Commission directed the Department to develop a 3-year pilot project in the Magic Valley that accommodates more landowners (participants of LAP & *Access Yes!*), increases hunting access, improves habitat, and is cost effective. This direction launched a public input campaign to determine what incentives (in addition to direct payments) landowners want to allow public access for hunting and fishing, and also what sportsmen would support as additional incentives. This Commission update will include the results of the landowner survey, as well as pilot project recommendations.

The Commission has the authority to allocate up to an additional 25% of controlled hunt permits for landowners (IDAPA 13.01.04.07(a)). The Commission is authorized to enter into lease agreements with landowners for the benefits of wildlife (Idaho statute 36-104). Rules governing the methods for the drawing of these additional controlled hunts permit for *Access Yes!* will be involved.

One thousand two hundred and seventy one Magic Valley landowners with 150 acres or greater were mailed a survey which asked questions about other incentives that would be acceptable for increased landowner enrollment in *Access Yes!*. Two thousand sportsmen were surveyed statewide to evaluate their support for various incentive options.

The Commission accepted the Department's recommendations and directed it to develop final rule proposals for consideration in January 2007.

## **RULES**

### **Ratification of Rules Adopted by the Commission**

Dallas Burkhalter, Deputy Attorney General, presented the temporary and proposed rules adopted by the Commission.

As part of the rulemaking process under the Idaho Administrative Procedures Act (IDAPA), the Commission needs to adopt as **Pending Rules** those Temporary/Proposed Rules previously promulgated during the last rulemaking year. He noted the Department has referred to this process as ‘ratification’ because the Commission is formally approving rules which it has already promulgated. This approval is needed for the rules to be reviewed by the 2007 Legislature. If the Pending Rules are accepted by the Legislature, the rules will become Final Rules.

The IDAPA provision for adopting Pending Rules and the Legislative review process is specified in Idaho Code Section 67-5224. There are no policy issues and this is an annual step in rulemaking. The public involvement process has already occurred during previous Commission meetings and Department open houses. No additional public comments were received after the Temporary/Proposed Rules were filed and published.

**06-76** Commissioner Irby moved and Commissioner Power seconded a motion **TO ADOPT THE FOLLOWING PROPOSED RULES AS PENDING RULES:**

- 1) IDAPA 13.01.04 Rules Governing Licensing, Docket No. 13-0104-0601**
- 2) IDAPA 13.01.05 Rules Governing Fishing Contests, Docket No. 13-0105-0601**
- 3) IDAPA 13.01.08 Rules Governing Big Game Animals, Docket No. 13-0108-0601**
- 4) IDAPA 13.01.09 Rules Governing the Taking of Game Birds, Docket No. 13-0109-0601**
- 5) IDAPA 13.01.11 Rules Governing Fish, Docket No. 13-0111-0601**

The motion carried unanimously.

## **REPORTS**

### **Update on Mule Deer Survey**

Nick Sanyal, Ph.D. Assistant Professor, University of Idaho provided a report on the mule deer survey (Appendix 39, Exhibit 112) summarized as follows:

People hunt for a variety of reasons including being close to nature, socializing with family and friends, developing hunting skills, harvesting, escaping from daily life demands, and seeking recognition from others. The Idaho Department Fish and Game strives to offer mule deer hunting opportunities consistent with these publicly desired

goals. Mule deer hunting in Idaho varies from general seasons providing annual opportunity to tightly regulated controlled hunts providing high quality hunting for mature bucks. The current allocation of mule deer hunting opportunities was developed from a public opinion survey of Idaho deer hunters conducted in 1987.

The Department, Commission and deer hunters would benefit from a contemporary assessment of mule deer hunter satisfaction levels and preferences for allocation of hunting opportunity. Additionally, a contemporary assessment will provide a foundation for the Department to reallocate hunting opportunity commensurate with mule deer hunter's expectations. Aligning mule deer hunter expectations with hunting opportunity will help reduce conflict among Idaho's mule deer stakeholders.

Staff developed a list of informational needs based on input from regional personnel, stakeholders, and Commissioners.

Department staff developed a Request for Proposals and solicited bids from universities in Idaho to conduct the survey. The University of Idaho was selected and has developed a draft survey for Commission review. The statewide random survey will be implemented during fall and early winter of 2006. The survey will be mailed to randomly selected deer hunters and made available through the Department's website.

### **Season Setting Process**

Brad Compton, State Big Game Manager provided a report on the Season Setting Process (Appendix 39, Exhibit 113) summarized as follows:

Public involvement is a necessary and desirable component in setting fish and wildlife policy. The Department is committed to improving the public's understanding of, and involvement in, the season setting process. In 2001, the Commission endorsed a Department process to standardize and improve the regulatory and public involvement process.

The Commission requested a review of this process to ensure it is up-to-date and meets the current needs of stakeholders, the Commission, and the Department.

Regional and Bureau personnel have been requested to critically review the current process and offer improvements.

Idaho Code 67-5222 requires agencies to provide for public input prior to the adoption, amendment, or repeal of any rule. Public input opportunities provided for during Commission meetings provides the minimum required by law. In addition, the Department expends considerable resources to further involve hunters and anglers in goal setting and decision making processes.

Current Department and Commission public involvement during the season setting is guided by this process.

The Commission endorsed the Department recommendations to direct staff to implement the revised process.

## **RULES**

### **Discussion of November 2 Workshop Scoping for Non Biological Rules**

Chairman Wheeler asked Commissioners for their input from the workshop. After that discussion, the Commission decided the following items would be scoped with the public and to consider action on these items at the January 10-12, 2007.

#### Archery:

- Let-off weight change from 65 % to 85%
  - No change for overall success
  - User friendly for young people
  - Easier for older folks
  - Would not shorten the hunting season (fear expressed)
- Minimum Arrow weight
  - Change from 400 g to 300 g (most other states are 300 g)
- Minimum Arrow size
  - Change 12 inch minimum to 24 inch
- Broad heads
  - No expanding broad heads for big game hunting

#### Muzzleloader:

- Shift to more Traditional Firearms
  - No scopes or electronic devices
  - Loose powder
  - Bullet diameter Restrictions
- Minimum Bullet weight and caliber:
  - Deer – 240 g / 45 caliber
  - Elk – 300 g / 50 caliber

The Commission stated its intent to restrict muzzleloader hunts to traditional firearms. As a matter of policy, the Commission noted it encourage the use of “modern” muzzleloader rifles in the general firearms seasons.

The Commission also noted its intent for public scoping on all general firearms to include potential new restrictions on 50 caliber centerfire rifles and electronic devices.

## REPORTS

### OHV Overview for the Southwest Region

Commissioner Barowsky provided an OHV overview for the Southwest Region.

- He noted that 27 units have restrictions on ATV's
- In the early 1990's there were 10,000 registered off road vehicles
- In 2004 there were over 100,000 registered off road vehicles
- Concerns on the damage to the environment

He noted that when he participated on a game check seven out of 10 vehicles had some form of an off road vehicle. Findings from the Southwest Region 2005 survey indicate that off road vehicle restrictions may be needed on units 22, 31, 39 and 40.

The Commission realizes that that off road vehicle is an issue and they will continue to work with the various ATV groups.

### Revised Memorandum of Understanding between the Fish and Game Commission, Idaho Fish and Wildlife Foundation and the Department of Fish and Game

Director Huffaker reported that the Commission, Department and Foundation Board members have been working on a modified version of the MOU and operating agreement (Appendix 39, Exhibit 114). The Director noted that he would like for all parties to come to an acceptable agreement on roles and responsibilities and let the Foundation move ahead with all of the valuable work it does on the Department's behalf.

Commissioner Budge referenced the October 4, 2006 Commission meeting where the Commission decided upon four motions to be incorporated into the MOU. He stated that the MOU draft that Commissioners had today incorporates those changes plus the suggestions made by the Foundation. The suggestions by the Foundation are underlined in the draft MOU.

The Commission discussed the changes and approved the following:

**06-77** Commissioner Budge moved and Commissioner Irby seconded a motion **TO ADOPT THE DRAFT MOU WHICH INCLUDES ALL OF THE MINOR CHANGES PROPOSED BY THE FOUNDATION IN EACH PARAGRAPH WITH THE EXCEPTION OF PARAGRAPH FOUR, WITH RESPECT TO 4A1, 4B1, 4C WILL READ AS FOLLOWS: STAFF OF THE DEPARTMENT SHALL SERVE AS EXECUTIVE DIRECTOR AND TREASURER OF THE FOUNDATION, BUT SHALL NOT SERVE AS A MEMBER OF THE BOARD OF DIRECTORS OF THE FOUNDATION. WE ACCEPT 4D, 4E SHALL READ THE DIRECTOR OF THE DEPARTMENT OR HIS/HER DESIGNATED REPRESENTATIVE SHALL ATTEND ALL FOUNDATION MEETINGS. PARAGRAPH 5, AT THE END OF THE FIRST PARAGRAPH, LAST SENTENCE WE WILL ADD THE LANGUAGE, AND SHALL NOT BE CONSIDERED AS CONFIDENTIAL INFORMATION. IT WILL READ: THE FOUNDATION WILL PROVIDE THE**



**COMMISSION AND DEPARTMENT WITH A COPY OF ITS AUDITED FINANCIAL STATEMENTS, INCLUDING THE INDEPENDENT AUDITOR'S OPINION, AND SHALL NOT BE CONSIDERED AS CONFIDENTIAL INFORMATION. WITH RESPECT TO LAST PARAGRAPH OF PARAGRAPH 5 THE CONSENSUS IS THAT IT IS OVERLY BROAD GENERAL CONFIDENTIALITY STATEMENT AND COMMISSIONER BUDGE WILL CONTACT THE FOUNDATION'S ATTORNEY MERLYN CLARK AND WILL ATTEMPT TO DRAFT A REVISED LAST PARAGRAPH 5 THAT NARROWS THE SCOPE AND DEFINES BETTER WHAT IS CONFIDENTIAL AND IS NOT CONFIDENTIAL INFORMATION. 4F, THE EXECUTIVE DIRECTOR OF THE FOUNDATION OR HIS/HER DESIGNATED REPRESENTATIVE SHALL ATTEND REGULAR COMMISSION MEETINGS.** The motion passed unanimously.

The revised draft MOU will be presented to the Foundation Board at their November 18<sup>th</sup> meeting for approval.

### **Adjournment 5:45 p.m.**

**06-78** Commissioner Irby moved and Commissioner Budge seconded a motion **TO HOLD AN EXECUTIVE SESSION, PURSUANT TO IDAHO CODE 67-2345 (1) (c) (f) PERTAINING TO LAND ACQUISITION AND LEGAL.** The motion passed unanimously.

The Executive Session ended at 9:00 p.m. No official action was taken.

### **November 3**

## **RULES**

### **Lake Coeur d'Alene Fishing Regulations 2007**

Steve Yundt, Chief, Bureau of Fisheries provided the Department recommendations to the Commission regarding limits for kokanee in Lake Coeur d'Alene for the 2007 fishing season. He noted that surveys conducted during the summer of 2006 found record low numbers of age 3 and age 4 kokanee in the lake. This information, along with a projected normal kokanee harvest by anglers in fall months, indicated that there would be inadequate kokanee spawners to provide for a fishery in future years. To avoid this loss of a future fishery, the Director authorized an emergency closure of the kokanee fishing in Coeur d'Alene Lake on September 18, 2006. The closure remains in effect until a future action is taken by the Commission.

The staff recommends having a limited kokanee fishery in 2007 with reduced bag limits. The former bag limit of 25/day would likely result in an over harvest of kokanee resulting in insufficient spawners to maintain future fisheries. Staff also recommends relaxing

harvest restrictions on Chinook salmon as an added measure to insure sufficient kokanee to meet recruitment goals.

The Fisheries staff recommends the Commission establish a combined daily limit of 6 (six) kokanee and Chinook salmon (i.e., no more than 6 kokanee or Chinook may be harvested daily) on Coeur d'Alene Lake effective January 1, 2007. This proposal will allow the information to be included in the reprint of the 2006-2007 Fishing Seasons and Rules brochure which will be reprinted in December, 2006.

**06-79** Commissioner Barowsky moved and Commissioner Power seconded a motion **TO ADOPT THE STAFF RECOMMENDATIONS TO ESTABLISH INDIVIDUAL LIMITS OF 6 (SIX) KOKANEE AND 6 (SIX) CHINOOK SALMON ON COEUR D'ALENE LAKE EFFECTIVE JANUARY 1, 2007.** The motion passed unanimously.

## **REPORT**

### **2006-2007 Steelhead Runsize Update**

Sharon Kiefer, Anadromous Fish Manager provided an update on the 2006-2007 Steelhead Runsize (Appendix 39, Exhibit 115). Ms. Kiefer noted that steelhead enter the river in the fall, hold during the winter, and spawn the following spring creating a steelhead run that spans two different calendar years

## **LEGISLATIVE**

### **Legislative Update**

Sharon Kiefer, Legislative Liaison (Appendix 39, Exhibit 116) provided an overview of the Legislative process used during the 2006 session including Commission conference calls and the legislative analysis process for Commission guidance about the up coming 2007 session.

Consensus among Commissioners was to hold the legislative conference calls every Wednesday at 8:00 a.m. commencing February 1<sup>st</sup>. The Legislative Committee will include Commissioners Barowsky, Irby and Wright.

## **FINANCIAL**

### **Budget Process**

Director Huffaker and Jim Lau stated that the current Governor has provided direction that the Department should not plan to introduce a fee increase bill during the upcoming Legislative session, the Division of Financial Management (DFM) has agreed that it is more appropriate for the Department to revise it's budget proposal to eliminate the impact of any proposed fee adjustment from our revenue projections and appropriation request. The current FY08 budget proposal that is in the Governor's office is the one that

the Department will present to JFAC and does not include a fee increase. Director Huffaker noted that if the fee increase legislation passes the Department will present a report to JFAC how the money would be spent with a fee increase.

Jim Lau, Chief, Bureau of Administration provided an Executive Summary on the FY 2008 Budget Proposal to the Commission (Appendix 39, Exhibit 117).

## **MISCELLANEOUS**

### **License system update**

Mr. Lau stated that two project managers are no longer with Outdoor Central. This departure will be a set back with Department plans. A key target was set for December where the Department would have had a fully functional test system available in Boise. G-TECH will be available to fill the gap if Outdoor Central is not able to be functioning by March 1<sup>st</sup>.

### **Award to Jim Felton Wildlife Federation**

Commissioner Irby presented an award from the Department and the Commission to Mr. Jim Felton for his work with the Idaho Wildlife Federation in drafting House Bill 530 for a license fee overhaul. HB530 established by statute a dedicated fund that was to be used for only for land acquisition and habitat enhancement. This legislation required that \$2.00 out of hunting license and combination license be earmarked for big game and upland game habitat protection. It is important to note that this set aside was a direct result of citizen led initiative and to date has generated \$13.5 million.

### **Election of Commission Chair**

**06-80** Commissioner Irby moved and Commissioner Wright or McDermott seconded a **MOTION TO REELECT CAMERON WHEELER AS THE COMMISSION CHAIRMAN AND WAYNE WRIGHT FOR VICE CHAIRMAN FOR 2007.** The motion passed unanimously.

### **2007 Commission Meeting Calendar**

Draft Calendar 2007 (Appendix 39, Exhibit 118)

**06-81** Commissioner Wright moved and Commissioner Barowsky seconded a motion **TO ACCEPT THE DRAFT COMMISSION CALENDAR AS PRESENTED WITH THE MEETING LOCATIONS TO BE SALMON FOR THE MAY MEETING, SUN VALLEY FOR THE JULY MEETING AND SANDPOINT FOR THE NOVEMBER MEETING.** The motion passed unanimously.

### **Hunter Ed Instructor Awards**

BJ Lilibridge, Hunter Education Coordinator, Clearwater Region and Commissioner Wheeler presented Hunter Education Awards to 3 instructors who met the 35,000 point level for instructors. Each instructor was presented with a 10-karat gold sheephead logo ring and the "Continuing the Heritage" print.

Recipients of the awards are listed below:

- Phil Schultz, Moscow
- Kent Henderson, Lewiston
- Mike Nelson was not present

### **REPORTS**

#### **Land Use Summit Conference Overview**

Gregg Servheen, Wildlife Program Coordinator, provided a report (Appendix 39, Exhibit 119) on the Idaho Land Use Summit that was held September 14-15, 2006 in Nampa. The Department was one of the sponsors for the summit and it was funded by a grant from The Wildlife Society. The summit covered ways to preserve the rural quality of life, wildlife habitat and natural resources.

**06-82** Commissioner Irby moved and Commissioner Barowsky seconded a motion **TO HOLD AN EXECUTIVE SESSION, PURSUANT TO IDAHO CODE 67-2345 (1) (c) (f) PERTAINING TO LAND ACQUISITION AND LEGAL.** The motion passed unanimously.

Executive session ended at 10:50 a.m. no official action was taken.

### **LANDS**

#### **Redbird Canyon**

Chairman Wheeler stated the Commission discussed the Redbird Canyon in executive session and have some thoughts on the property.

Director Huffaker stated that Redbird Canyon is a valuable piece of property and that the Department should have ownership. He would like the Commission to give the Department direction on the purchase of this property with assistance from the Fish and Wildlife Foundation.

Commissioner Irby commented that it has been his long desire for the Department to have ownership of the property and for management purposes connected to Craig Mountain WMA. He would like the Commission to move ahead with the purchase.

Commissioner Power commented that this property is a wonderful piece of habitat and does allow some access to really neat country and ties in with Craig Mountain.

Commissioner Wheeler stated that the Commission needs to look at the long-term impact of buying this property and what it means to the State. The property's proximity to Craig Mountain WMA is a plus in managing the property.

**06-83** Commissioner Budge moved and Commissioner Irby seconded a motion **THAT THE COMMISSION AUTHORIZE THE DEPARTMENT TO EXPEND FUNDS AS NECESSARY TO PROVIDE EARNEST MONEY FOR THE ACQUISITION OF REDBIRD CANYON PROPERTY.** The motion passed unanimously

**Adjournment 11:00 a.m.**

---

Cameron Wheeler  
Chairman

---

Cal Groen  
Secretary